

Calendar No. 410

105TH CONGRESS
2^D SESSION

S. 2160

[Report No. 105–213]

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 11, 1998

Mr. BURNS, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for
5 military construction, family housing, and base realign-
6 ment and closure functions administered by the Depart-

1 ment of Defense, for the fiscal year ending September 30,
2 1999, and for other purposes, namely:

3 MILITARY CONSTRUCTION, ARMY

4 For acquisition, construction, installation, and equip-
5 ment of temporary or permanent public works, military
6 installations, facilities, and real property for the Army as
7 currently authorized by law, including personnel in the
8 Army Corps of Engineers and other personal services nec-
9 essary for the purposes of this appropriation, and for con-
10 struction and operation of facilities in support of the func-
11 tions of the Commander in Chief, \$810,476,000, to re-
12 main available until September 30, 2003: *Provided*, That
13 of this amount, not to exceed \$67,269,000 shall be avail-
14 able for study, planning, design, architect and engineer
15 services, and host nation support, as authorized by law,
16 unless the Secretary of Defense determines that additional
17 obligations are necessary for such purposes and notifies
18 the Committees on Appropriations of both Houses of Con-
19 gress of his determination and the reasons therefor.

20 MILITARY CONSTRUCTION, NAVY

21 For acquisition, construction, installation, and equip-
22 ment of temporary or permanent public works, naval in-
23 stallations, facilities, and real property for the Navy as
24 currently authorized by law, including personnel in the
25 Naval Facilities Engineering Command and other per-

1 sonal services necessary for the purposes of this appropria-
2 tion, \$559,250,000, to remain available until September
3 30, 2003: *Provided*, That of this amount, not to exceed
4 \$62,146,000 shall be available for study, planning, design,
5 architect and engineer services, as authorized by law, un-
6 less the Secretary of Defense determines that additional
7 obligations are necessary for such purposes and notifies
8 the Committees on Appropriations of both Houses of Con-
9 gress of his determination and the reasons therefor.

10 MILITARY CONSTRUCTION, AIR FORCE

11 For acquisition, construction, installation, and equip-
12 ment of temporary or permanent public works, military
13 installations, facilities, and real property for the Air Force
14 as currently authorized by law, \$627,874,000, to remain
15 available until September 30, 2003: *Provided*, That of this
16 amount, not to exceed \$39,522,000 shall be available for
17 study, planning, design, architect and engineer services,
18 as authorized by law, unless the Secretary of Defense de-
19 termines that additional obligations are necessary for such
20 purposes and notifies the Committees on Appropriations
21 of both Houses of Congress of his determination and the
22 reasons therefor.

1 MILITARY CONSTRUCTION, DEFENSE-WIDE

2 (INCLUDING TRANSFER OF FUNDS)

3 For acquisition, construction, installation, and equip-
4 ment of temporary or permanent public works, installa-
5 tions, facilities, and real property for activities and agen-
6 cies of the Department of Defense (other than the military
7 departments), as currently authorized by law,
8 \$571,485,000, to remain available until September 30,
9 2003: *Provided*, That such amounts of this appropriation
10 as may be determined by the Secretary of Defense may
11 be transferred to such appropriations of the Department
12 of Defense available for military construction or family
13 housing as he may designate, to be merged with and to
14 be available for the same purposes, and for the same time
15 period, as the appropriation or fund to which transferred:
16 *Provided further*, That of the amount appropriated, not
17 to exceed \$25,066,000 shall be available for study, plan-
18 ning, design, architect and engineer services, as authorized
19 by law, unless the Secretary of Defense determines that
20 additional obligations are necessary for such purposes and
21 notifies the Committees on Appropriations of both Houses
22 of Congress of his determination and the reasons therefor.

23 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

24 For construction, acquisition, expansion, rehabilita-
25 tion, and conversion of facilities for the training and ad-

1 ministration of the Army National Guard, and contribu-
2 tions therefor, as authorized by chapter 133 of title 10,
3 United States Code, and Military Construction Authoriza-
4 tion Acts, \$124,599,000, to remain available until Septem-
5 ber 30, 2003.

6 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

7 For construction, acquisition, expansion, rehabilita-
8 tion, and conversion of facilities for the training and ad-
9 ministration of the Air National Guard, and contributions
10 therefor, as authorized by chapter 133 of title 10, United
11 States Code, and Military Construction Authorization
12 Acts, \$163,161,000, to remain available until September
13 30, 2003.

14 MILITARY CONSTRUCTION, ARMY RESERVE

15 For construction, acquisition, expansion, rehabilita-
16 tion, and conversion of facilities for the training and ad-
17 ministration of the Army Reserve as authorized by chapter
18 133 of title 10, United States Code, and Military Con-
19 struction Authorization Acts, \$114,349,000, to remain
20 available until September 30, 2003.

21 MILITARY CONSTRUCTION, NAVAL RESERVE

22 For construction, acquisition, expansion, rehabilita-
23 tion, and conversion of facilities for the training and ad-
24 ministration of the reserve components of the Navy and
25 Marine Corps as authorized by chapter 133 of title 10,

1 United States Code, and Military Construction Authoriza-
2 tion Acts, \$21,621,000, to remain available until Septem-
3 ber 30, 2003.

4 MILITARY CONSTRUCTION, AIR FORCE RESERVE

5 For construction, acquisition, expansion, rehabilita-
6 tion, and conversion of facilities for the training and ad-
7 ministration of the Air Force Reserve as authorized by
8 chapter 133 of title 10, United States Code, and Military
9 Construction Authorization Acts, \$22,835,000, to remain
10 available until September 30, 2003.

11 NORTH ATLANTIC TREATY ORGANIZATION

12 SECURITY INVESTMENT PROGRAM

13 For the United States share of the cost of the North
14 Atlantic Treaty Organization Security Investment Pro-
15 gram for the acquisition and construction of military fa-
16 cilities and installations (including international military
17 headquarters) and for related expenses for the collective
18 defense of the North Atlantic Treaty Area as authorized
19 in Military Construction Authorization Acts and section
20 2806 of title 10, United States Code, \$152,600,000, to
21 remain available until expended.

22 FAMILY HOUSING, ARMY

23 For expenses of family housing for the Army for con-
24 struction, including acquisition, replacement, addition, ex-
25 pansion, extension and alteration and for operation and

1 maintenance, including debt payment, leasing, minor con-
2 struction, principal and interest charges, and insurance
3 premiums, as authorized by law, as follows: for Construc-
4 tion, \$124,490,000, to remain available until September
5 30, 2003; for Operation and Maintenance, and for debt
6 payment, \$1,104,733,000; in all \$1,229,223,000.

7 FAMILY HOUSING, NAVY AND MARINE CORPS

8 For expenses of family housing for the Navy and Ma-
9 rine Corps for construction, including acquisition, replace-
10 ment, addition, expansion, extension and alteration and
11 for operation and maintenance, including debt payment,
12 leasing, minor construction, principal and interest
13 charges, and insurance premiums, as authorized by law,
14 as follows: for Construction, \$286,590,000, to remain
15 available until September 30, 2003; for Operation and
16 Maintenance, and for debt payment, \$915,293,000; in all
17 \$1,201,883,000.

18 FAMILY HOUSING, AIR FORCE

19 For expenses of family housing for the Air Force for
20 construction, including acquisition, replacement, addition,
21 expansion, extension and alteration and for operation and
22 maintenance, including debt payment, leasing, minor con-
23 struction, principal and interest charges, and insurance
24 premiums, as authorized by law, as follows: for Construc-
25 tion, \$297,475,000, to remain available until September

1 30, 2003; for Operation and Maintenance, and for debt
 2 payment, \$789,995,000; in all \$1,087,470,000.

3 FAMILY HOUSING, DEFENSE-WIDE

4 For expenses of family housing for the activities and
 5 agencies of the Department of Defense (other than the
 6 military departments) for construction, including acquisi-
 7 tion, replacement, addition, expansion, extension and al-
 8 teration, and for operation and maintenance, leasing, and
 9 minor construction, as authorized by law, as follows: for
 10 Construction, \$345,000, to remain available until Septem-
 11 ber 30, 2003; for Operation and Maintenance,
 12 \$36,899,000; in all \$37,244,000.

13 DEPARTMENT OF DEFENSE FAMILY HOUSING

14 IMPROVEMENT FUND

15 For the Department of Defense Family Housing Im-
 16 provement Fund, \$7,000,000, to remain available until ex-
 17 pended, for planning, administrative, and oversight costs
 18 incurred by the Housing Revitalization Support Office re-
 19 lating to military family housing initiatives and military
 20 unaccompanied housing initiatives pursuant to 10 U.S.C.
 21 2883, pertaining to alternative means of acquiring and im-
 22 proving military family housing, military unaccompanied
 23 housing, and supporting facilities.

1 HOMEOWNERS ASSISTANCE FUND, DEFENSE

2 For activities authorized by section 1013(d) of the
3 Demonstration Cities and Metropolitan Development Act
4 of 1966, as amended (42 U.S.C. 3374), \$12,800,000, to
5 remain available until expended.

6 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

7 For deposit into the Department of Defense Base
8 Closure Account 1990 established by section 2906(a)(1)
9 of the Department of Defense Authorization Act, 1991
10 (Public Law 101–510), \$433,464,000, to remain available
11 until expended: *Provided*, That not more than
12 \$271,800,000 of the funds appropriated herein shall be
13 available solely for environmental restoration, unless the
14 Secretary of Defense determines that additional obliga-
15 tions are necessary for such purposes and notifies the
16 Committees on Appropriations of both Houses of Congress
17 of his determination and the reasons therefor.

18 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

19 For deposit into the Department of Defense Base
20 Closure Account 1990 established by section 2906(a)(1)
21 of the Department of Defense Authorization Act, 1991
22 (Public Law 101–510), \$1,297,240,000, to remain avail-
23 able until expended: *Provided*, That not more than
24 \$426,036,000 of the funds appropriated herein shall be
25 available solely for environmental restoration, unless the

1 Secretary of Defense determines that additional obliga-
2 tions are necessary for such purposes and notifies the
3 Committees on Appropriations of both Houses of Congress
4 of his determination and the reasons therefor.

5 GENERAL PROVISIONS

6 SECTION 101. None of the funds appropriated in
7 Military Construction Appropriations Acts shall be ex-
8 pended for payments under a cost-plus-a-fixed-fee contract
9 for work, where cost estimates exceed \$25,000, to be per-
10 formed within the United States, except Alaska, without
11 the specific approval in writing of the Secretary of Defense
12 setting forth the reasons therefor: *Provided*, That the fore-
13 going shall not apply in the case of contracts for environ-
14 mental restoration at an installation that is being closed
15 or realigned where payments are made from a Base Re-
16 alignment and Closure Account.

17 SEC. 102. Funds appropriated to the Department of
18 Defense for construction shall be available for hire of pas-
19 senger motor vehicles.

20 SEC. 103. Funds appropriated to the Department of
21 Defense for construction may be used for advances to the
22 Federal Highway Administration, Department of Trans-
23 portation, for the construction of access roads as author-
24 ized by section 210 of title 23, United States Code, when

1 projects authorized therein are certified as important to
2 the national defense by the Secretary of Defense.

3 SEC. 104. None of the funds appropriated in this Act
4 may be used to begin construction of new bases inside the
5 continental United States for which specific appropria-
6 tions have not been made.

7 SEC. 105. No part of the funds provided in Military
8 Construction Appropriations Acts shall be used for pur-
9 chase of land or land easements in excess of 100 per cen-
10 tum of the value as determined by the Army Corps of En-
11 gineers or the Naval Facilities Engineering Command, ex-
12 cept: (1) where there is a determination of value by a Fed-
13 eral court; or (2) purchases negotiated by the Attorney
14 General or his designee; or (3) where the estimated value
15 is less than \$25,000; or (4) as otherwise determined by
16 the Secretary of Defense to be in the public interest.

17 SEC. 106. None of the funds appropriated in Military
18 Construction Appropriations Acts shall be used to: (1) ac-
19 quire land; (2) provide for site preparation; or (3) install
20 utilities for any family housing, except housing for which
21 funds have been made available in annual Military Con-
22 struction Appropriations Acts.

23 SEC. 107. None of the funds appropriated in Military
24 Construction Appropriations Acts for minor construction
25 may be used to transfer or relocate any activity from one

1 base or installation to another, without prior notification
2 to the Committees on Appropriations.

3 SEC. 108. No part of the funds appropriated in Mili-
4 tary Construction Appropriations Acts may be used for
5 the procurement of steel for any construction project or
6 activity for which American steel producers, fabricators,
7 and manufacturers have been denied the opportunity to
8 compete for such steel procurement.

9 SEC. 109. None of the funds available to the Depart-
10 ment of Defense for military construction or family hous-
11 ing during the current fiscal year may be used to pay real
12 property taxes in any foreign nation.

13 SEC. 110. None of the funds appropriated in Military
14 Construction Appropriations Acts may be used to initiate
15 a new installation overseas without prior notification to
16 the Committees on Appropriations.

17 SEC. 111. None of the funds appropriated in Military
18 Construction Appropriations Acts may be obligated for ar-
19 chitect and engineer contracts estimated by the Govern-
20 ment to exceed \$500,000 for projects to be accomplished
21 in Japan, in any NATO member country, or in countries
22 bordering the Arabian Gulf, unless such contracts are
23 awarded to United States firms or United States firms
24 in joint venture with host nation firms.

1 SEC. 112. None of the funds appropriated in Military
2 Construction Appropriations Acts for military construc-
3 tion in the United States territories and possessions in the
4 Pacific and on Kwajalein Atoll, or in countries bordering
5 the Arabian Gulf, may be used to award any contract esti-
6 mated by the Government to exceed \$1,000,000 to a for-
7 eign contractor: *Provided*, That this section shall not be
8 applicable to contract awards for which the lowest respon-
9 sive and responsible bid of a United States contractor ex-
10 ceeds the lowest responsive and responsible bid of a for-
11 eign contractor by greater than 20 per centum: *Provided*
12 *further*, That this section shall not apply to contract
13 awards for military construction on Kwajalein Atoll for
14 which the lowest responsive and responsible bid is submit-
15 ted by a Marshallese contractor.

16 SEC. 113. The Secretary of Defense is to inform the
17 appropriate committees of Congress, including the Com-
18 mittees on Appropriations, of the plans and scope of any
19 proposed military exercise involving United States person-
20 nel thirty days prior to its occurring, if amounts expended
21 for construction, either temporary or permanent, are an-
22 ticipated to exceed \$100,000.

23 SEC. 114. Not more than 20 per centum of the appro-
24 priations in Military Construction Appropriations Acts
25 which are limited for obligation during the current fiscal

1 year shall be obligated during the last two months of the
2 fiscal year.

3 (TRANSFER OF FUNDS)

4 SEC. 115. Funds appropriated to the Department of
5 Defense for construction in prior years shall be available
6 for construction authorized for each such military depart-
7 ment by the authorizations enacted into law during the
8 current session of Congress.

9 SEC. 116. For military construction or family housing
10 projects that are being completed with funds otherwise ex-
11 pired or lapsed for obligation, expired or lapsed funds may
12 be used to pay the cost of associated supervision, inspec-
13 tion, overhead, engineering and design on those projects
14 and on subsequent claims, if any.

15 SEC. 117. Notwithstanding any other provision of
16 law, any funds appropriated to a military department or
17 defense agency for the construction of military projects
18 may be obligated for a military construction project or
19 contract, or for any portion of such a project or contract,
20 at any time before the end of the fourth fiscal year after
21 the fiscal year for which funds for such project were ap-
22 propriated if the funds obligated for such project: (1) are
23 obligated from funds available for military construction
24 projects and (2) do not exceed the amount appropriated
25 for such project, plus any amount by which the cost of
26 such project is increased pursuant to law.

(TRANSFER OF FUNDS)

1
2 SEC. 118. During the five-year period after appro-
3 priations available to the Department of Defense for mili-
4 tary construction and family housing operation and main-
5 tenance and construction have expired for obligation, upon
6 a determination that such appropriations will not be nec-
7 essary for the liquidation of obligations or for making au-
8 thorized adjustments to such appropriations for obliga-
9 tions incurred during the period of availability of such
10 appropriations, unobligated balances of such appropria-
11 tions may be transferred into the appropriation “Foreign
12 Currency Fluctuations, Construction, Defense” to be
13 merged with and to be available for the same time period
14 and for the same purposes as the appropriation to which
15 transferred.

16 SEC. 119. The Secretary of Defense is to provide the
17 Committees on Appropriations of the Senate and the
18 House of Representatives with an annual report by Feb-
19 ruary 15, containing details of the specific actions pro-
20 posed to be taken by the Department of Defense during
21 the current fiscal year to encourage other member nations
22 of the North Atlantic Treaty Organization, Japan, Korea,
23 and United States allies bordering the Arabian Gulf to as-
24 sume a greater share of the common defense burden of
25 such nations and the United States.

(TRANSFER OF FUNDS)

1
2 SEC. 120. During the current fiscal year, in addition
3 to any other transfer authority available to the Depart-
4 ment of Defense, proceeds deposited to the Department
5 of Defense Base Closure Account established by section
6 207(a)(1) of the Defense Authorization Amendments and
7 Base Closure and Realignment Act (Public Law 100–526)
8 pursuant to section 207(a)(2)(C) of such Act, may be
9 transferred to the account established by section
10 2906(a)(1) of the Department of Defense Authorization
11 Act, 1991, to be merged with, and to be available for the
12 same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

13
14 SEC. 121. Subject to thirty days prior notification to
15 the Committees on Appropriations, such additional
16 amounts as may be determined by the Secretary of De-
17 fense may be transferred to the Department of Defense
18 Family Housing Improvement Fund from amounts appro-
19 priated for construction in “Family Housing” accounts,
20 to be merged with and to be available for the same pur-
21 poses and for the same period of time as amounts appro-
22 priated directly to the Fund: *Provided*, That appropria-
23 tions made available to the Fund shall be available to
24 cover the costs, as defined in section 502(5) of the Con-
25 gressional Budget Act of 1974, of direct loans or loan
26 guarantees issued by the Department of Defense pursuant

1 to the provisions of subchapter IV of chapter 169, title
2 10, United States Code, pertaining to alternative means
3 of acquiring and improving military family housing and
4 supporting facilities.

5 SEC. 122. Notwithstanding any other provision of
6 law, appropriations made available to the Department of
7 Defense Family Housing Improvement Fund shall be the
8 sole source of funds available for planning, administrative,
9 and oversight costs incurred by the Housing Revitalization
10 Support Office relating to military family housing initia-
11 tives and military unaccompanied housing initiatives un-
12 dertaken pursuant to the provisions of subchapter IV of
13 chapter 169, title 10, United States Code, pertaining to
14 alternative means of acquiring and improving military
15 family housing, military unaccompanied housing, and sup-
16 porting facilities.

17 SEC. 123. None of the funds appropriated or made
18 available by this Act may be obligated for Partnership for
19 Peace Programs or to provide support for non-NATO
20 countries.

21 SEC. 124. (a) Not later than 60 days before issuing
22 any solicitation for a contract with the private sector for
23 military family housing or military unaccompanied hous-
24 ing, the Secretary of the military department concerned

1 shall submit to the congressional defense committees the
2 notice described in subsection (b).

3 (b)(1) A notice referred to in subsection (a) is a no-
4 tice of any guarantee (including the making of mortgage
5 or rental payments) proposed to be made by the Secretary
6 to the private party under the contract involved in the
7 event of—

8 (A) the closure or realignment of the installa-
9 tion for which housing is provided under the con-
10 tract;

11 (B) a reduction in force of units stationed at
12 such installation; or

13 (C) the extended deployment overseas of units
14 stationed at such installation.

15 (2) Each notice under this subsection shall specify
16 the nature of the guarantee involved and assess the extent
17 and likelihood, if any, of the liability of the Federal Gov-
18 ernment with respect to the guarantee.

19 (c) In this section, the term “congressional defense
20 committees” means the following:

21 (1) The Committee on Armed Services and the
22 Military Construction Subcommittee, Committee on
23 Appropriations of the Senate.

1 (2) The Committee on National Security and
2 the Military Construction Subcommittee, Committee
3 on Appropriations of the House of Representatives.

4 (TRANSFER OF FUNDS)

5 SEC. 125. During the current fiscal year, in addition
6 to any other transfer authority available to the Depart-
7 ment of Defense, amounts may be transferred from the
8 account established by section 2906(a)(1) of the Depart-
9 ment of Defense Authorization Act, 1991, to the fund es-
10 tablished by section 1013(d) of the Demonstration Cities
11 and Metropolitan Development Act of 1966 (42 U.S.C.
12 3374) to pay for expenses associated with the Home-
13 owners Assistance Program. Any amounts transferred
14 shall be merged with and be available for the same pur-
15 poses and for the same time period as the fund to which
16 transferred.

17 SEC. 126. Payments received by the Secretary of the
18 Navy pursuant to subsection (b)(1) of section 2842 of the
19 National Defense Authorization Act, 1993 (Public Law
20 102–484) are appropriated and shall be available for the
21 purpose authorized in subsection (d) of that section.

22 This Act may be cited as the “Military Construction
23 Appropriations Act, 1999”.

Calendar No. 410

105TH CONGRESS
2D Session

S. 2160

[Report No. 105-213]

A BILL

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

JUNE 11, 1998

Read twice and placed on the calendar